

Page 5 of 8  
Appln. No. 10/052,686  
Amendment

### REMARKS

Applicant respectfully requests reconsideration of the application in view of the above amendments and following remarks. Applicant has amended claim 13 and has added new claim 23. No claims have been cancelled, thus eleven (11) claims remain pending. The subject response is accompanied by a Request for Continued Examination (RCE). Therefore, Applicant respectfully request the amendments be entered.

Applicant has made a diligent effort to demonstrate and place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### Examiner Interview

Applicant thanks the Examiner for participating in an Examiner Interview on July 23, 2004. The pending claims 13, 14, 17, 18, 21 and 22 were discussed in relation to the cited Kastan reference. More specifically, in discussing claim 13, the Examiner suggested that claim 13 be amended to clarify the axial movement of the outer race of the bearing, to read:

"c) at least one of said outer races is mounted in said outer bracket portion, said outer race having an initial position, such that it is free to move in both axial directions from said initial position."

Applicant has incorporated the Examiner's suggested amendment. The application as filed provides support throughout the description for the amendments, and thus no new matter has been added. Therefore, claim 13 is not anticipated by the Kastan reference.

The Examiner further agreed, in discussing independent claims 17, 21 and 22 that the Kastan reference does not teach "the ends of said spindle comprise adapting portions to receive crank arms...." Specifically, the Examiner agreed that the portion 60 of Kastan is not the spindle. Alternatively, element 16 of Kastan is a spindle, and the element 16 does not include an "adapting portion to receive crank arms." Therefore, Kastan does not teach at least a "spindle comprising adapting portions...", and thus independent claims 17, 21 and 22 are not anticipated

Page 6 of 8  
Appl. No. 10/052,686  
Amendment

by the Kastan reference.

Further, the Examiner agreed that because portion 60 of Kastan (the spacer sleeve 60) is not the spindle, the Kastan reference also does not teach "at least one step is provided on the spindle as an inner stop element" as recited in claims 14 and 18. Therefore, claims 14 and 18 are also not anticipated for at least the reasons provided above and that the Kastan reference does not teach a step on the spindle.

Turning to the specific objections and rejections:

1. Claims 13-22 stand rejected under 35 U.S.C. § 102(b), as being anticipated by Kastan et al., U.S. Patent No. 4,545,691. Applicant respectfully submits, however, that Kastan fails to teach or suggest each element of at least the independent claims, and further teaches away from the invention as claimed. More specifically, amended claim 13, for example, recites in part:

at least one of said outer races is mounted in said outer bracket portion, said outer race having an initial position, such that it is free to move in both axial directions from said initial position.

(Emphasis added).

The Kastan reference specifically teaches away from free movement in both axial directions. Applicant respectfully submits that outer race of the bearings in the Kastan reference cannot move in both axial directions, and alternatively, are specifically prevented from being free to move in both axial directions. Further, the Examiner agreed during the Examiner Interview that amended claim 13 is not anticipated by the Kastan reference. Therefore, amended claim 13 is not anticipated by the Kastan reference for at least the reason that the Kastan reference does not teach, and in fact teaches away from an outer race of a bearing being free to move in both axial directions from an initial position, and thus claim 13 is in condition for allowance.

Independent claims 17, 21 and 22 are also not anticipated by the Kastan reference. Specifically, the Kastan reference fails to teach, for example, at least a "spindle compris[ing] adapting portions to receive crank arms ..." as recited in claims 17, 21 and 22. The Examiner

Page 7 of 8  
Appl. No. 10/052,686  
Amendment

agreed during the Examiner interview that the "the spacer sleeve 60" of the Kastan reference is not equivalent to a spindle as recited in independent claims 17, 21 and 22. Further, the Kastan reference teaches away from the outer race of the bearing being free to move in both axial directions. Therefore, the Kastan reference fails to teach each element of independent claims 17, 21 and 22, and thus independent claims 17, 21 and 22 are not anticipated.

The dependent claims 14-16 and 18-20 are also not anticipated by the Kastan reference for at least the reasons provided above for independent claims 1 and 17, respectively. Further, claims 14 and 18 for example, further provide for a spindle that includes a step. The Kastan patent fails to suggest that the spindle with a step. Therefore, the Kastan reference fails to teach each element as recited in dependent claims 14-16 and 18-20, and thus claims 14-16 and 18-20 are in condition for allowance.

#### New Claim

Applicant has added new claim 23 that recites claim limitations that are similar to the combination of original claims 13 and 14. It has been shown above that the Kastan reference fails to teach at least an outer spindle free to move in both axial directions, or a spindle with a step. Therefore, Applicant submits that new claim 23 is in condition for allowance.

#### Fees Believed Due

Applicant respectfully petitions for a three month extension, and is filing an RCE along with the filing of the subject Response. Further, Applicant has added an additional independent claim 23. Therefore, Applicant has authorized the payment of the RCE fee, the three month extension fee, and the fee for an additional independent claim. No further fees are believed due.

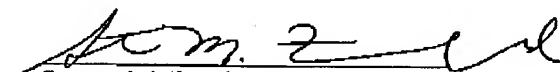
Page 8 of 8  
Appln. No. 10/052,686  
Amendment

**CONCLUSION**

Applicant respectfully submits that the above amendments and remarks clearly distinguish the pending claims over the cited reference, and as such, claims 13-23 are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

July 29, 2004  
Date

  
Steven M. Freeland  
Reg. No. 42,555  
Attorney for Applicant(s)

**Address all correspondence to:**

**SINSHEIMER, SCHIEBELHUT AND BAGGETT**  
Thomas F. Lebens  
1010 Peach Street  
PO Box 31  
San Luis Obispo, CA 93406  
(805) 781-2865